

Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 12, 2012

CENAO-WR-RN
12-V0947/NAO-2011-00652

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Dickenson County Public Schools
P. O. Box 1127
Clintwood, VA 24228

WATERWAY AND LOCATION OF THE PROPOSED WORK: The Dickenson County Public Schools (DCPS) Consolidation Project is located approximately three miles east of Clintwood in Dickenson County, Virginia on Big Branch and its unnamed tributaries. The project includes proposed wetland mitigation on Long Branch and in Lockhart Flats. Proposed stream mitigation will occur on Spring Fork and an unnamed tributary to Long Fork. Big Branch, Long Branch, and Long Fork are tributaries to the Cranes Nest River, and Spring Fork is a tributary to the McClure River. All proposed impacts and mitigation will occur within the Russell Fork River watershed (HUC 0507020204).

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a new consolidated school campus and associated components to serve Dickenson County, Virginia as part of the Nonstructural General Plan developed by the U. S. Army Corps of Engineers Huntington District under Section 202 of the 1981 Energy and Water Development Appropriations Act (P.L. 96-367). The Section 202 Nonstructural General Plan involves evaluating commercial and residential structures impacted by the historic 1977 flood and implementing non-structural floodproofing measures such as elevation of structures in place, relocation of structures from flood hazard areas, and other nonstructural measures.

The proposed construction project encompasses a total area of 107 acres. Construction project elements include grading work to provide a level site for construction of the campus facilities and associated roads and parking, construction of in stream basins for sediment control and storm water management, and installation of a utility line from the campus to the Cranes Nest River. Proposed temporary impacts result from anticipated sediment accumulation in the stream reach between the campus fill and one sediment control basin and from the installation of the utility line. The project also includes the demolition and subsequent material disposal of Sandlick Elementary School, Clinchco Elementary School, Ervinton High School, and detached buildings of Haysi High School as well as roadway improvements to State Route 637 which will serve as the access to the new campus location. No impacts to waters or wetlands will occur from the demolition and disposal work or the roadway improvements. The total proposed impacts from the project, temporary and permanent, are approximately 2,025 linear feet of stream channel (560 perennial, 1,215 intermittent, and 250 ephemeral), and 2.003 acres of wetlands (1.00 palustrine forested and 1.003 palustrine emergent). Of the permanent impacts, 0.21 acres of emergent wetlands have been impacted by the construction of an existing access road onto the property. These access road impacts and their associated compensatory

mitigation are incorporated into the project's total impacts and proposed mitigation. The applicant's stated purpose for the project is to construct a new consolidated school campus.

The application indicates that multiple off site alternative project locations were considered during preparation of the proposed project design. This process concluded that the preferred project location was the selected site. The onsite project design was limited by the presence of underlying mine workings.

To compensate for the temporary impacts to 275 linear feet of stream and 126 square feet of wetland (0.003 acre) from the utility line installation and 220 linear feet of anticipated sediment accumulation, the applicant proposes to restore the impact sites upon completion of the required work to pre-construction contour and condition. Application of the Unified Stream Methodology (USM) indicates that the proposed project's 1,530 linear feet of permanent stream impact (410 perennial, 870 intermittent, and 250 ephemeral) requires 1,673 compensation credits. The applicant proposes to perform 850 linear feet of perennial stream restoration and 770 linear feet of riparian buffer enhancement in Spring Fork at the Ervinton High School site upon demolition of that facility. Additionally, 800 linear feet of intermittent stream enhancement will be completed in an unnamed tributary to Long Fork. The 2,420 linear feet of stream mitigation work will provide 1,756 compensation credits as determined by application of the USM. The applicant proposes to compensate for 2.00 acres of permanent wetland impacts through the enhancement of 3.11 acres of existing wetlands on Long Branch and in Lockhart Flats, providing for a 2:1 ratio for forested wetlands and a 1:1 ratio for emergent wetland impacts.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia DEQ assuring that applicable laws and regulations pertaining to water quality are not violated, and a Virginia Discharge Elimination System (VPDES) permit from the Virginia DEQ.

Project location map and drawings of the proposed impacts and mitigation sites are attached. The complete permit application can be viewed in paper form at the Jonnie B. Deel Memorial Library located at 198 Chase Street in Clintwood, Virginia.

AUTHORITY: Permits are required pursuant to Section Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the

Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

The U. S. Army Corps of Engineers, Huntington District is currently evaluating the project per 40 CFR (Parts 1500-1508) regulatory requirements of the National Environmental Policy Act (NEPA) and will complete an Environmental Assessment (EA). The Huntington District has previously accomplished an Environmental Assessment as part of the overall Detailed Project Report (DPR) in June 2003. As a result of the change of scope from what was anticipated in the 2003 Environmental Assessment, the Huntington District is supplementing the previously accomplished report with an additional EA to adequately evaluate potential impacts of the proposed project. In August 2010 the Huntington District completed a Design Document Report (DDR) for schools within Dickenson County, VA eligible for participation in the Section 202 Program. The DDR compared costs to implement various flood risk management measures identified in the 2003 DPR for eligible schools.


Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) a survey of the project property was completed for the Huntington District and is currently under review by the Virginia Department of Historic Resources (VDHR) under File Number 2009-1380. No known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: Carolyn Cannella Walker Mountain Field Office), P. O. Box 694, Wytheville, Virginia 24382, or emailed to carolyn.m.cannella@usace.army.mil, or faxed to (757) 201-7678. Comments should be received by the close of business on August 13, 2012.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Carolyn Cannella at (434) 607-7487, carolyn.m.cannella@usace.army.mil.

FOR THE DISTRICT COMMANDER:



Peter R. Kube
Chief, Western Virginia
Regulatory Section

Attachment: Location Map and Drawings